

Serial No. **10/576,562**

Docket No. **P-0775**

Amendment dated January 26, 2010

Reply to Office Action of October 26, 2009

REMARKS/ARGUMENTS

Claims 1-12 are pending. By this Amendment, claims 1, 4-5, 9, and 11 are amended, and claims 3 and 13-17 are canceled without prejudice or disclaimer. No new matter is added. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Reconsideration in view of the above amendments and following remarks is respectfully requested.

The Office Action objected to claims 13-17 for informality. As noted above, claims 13-17 have been canceled. Therefore, the objection is moot and should be withdrawn.

The Office Action rejected claims 13-17 under 35 U.S.C. §102(b) as being anticipated by Komroff et al. (hereinafter "Komroff"), U.S. Patent No. 2,793,510. As noted above, claims 13-17 have been canceled. Therefore, the rejection is moot and should be withdrawn.

The Office Action rejected claims 1-3 and 9-12 under 35 U.S.C. §103(a) as being unpatentable over Yaguchi, U.S. Patent No. 4,248,057, and claims 3-8 under 35 U.S.C. §103(a) as being unpatentable over Yaguchi and Komroff, and further in view of Speaker, U.S. Patent No. 3,079,767. It has been assumed for the purpose of this reply that the Examiner intended to reject claims 1-2 and 9-12 over Yaguchi, in view of Komroff et al. (hereinafter "Komroff"), U.S. Patent No. 2,793,510. Claim 3 has been canceled and its features have been added to independent claim 1. These rejections are respectfully traversed in so far as they apply to the pending claims.

Independent claim 1 recites, *inter alia*, a shroud in which the outdoor heat exchanger is mounted, wherein the shroud includes a condensate guide that collects and guides condensate dispersed in the radial direction of the axial fan to an inner surface of the shroud by the condensate dispersing device to the outdoor heat exchanger and wherein the condensate guide includes a plurality of guide grooves formed on both lateral inner surfaces of the shroud that guide the dispersed condensate to the outdoor heat exchanger. The applied prior art, taken alone or in combination, does not disclose or suggest at least such features of independent claim 1, or the claimed combination.

That is, in the rejection of claim 3 in the Office Action on pages 9-10, the Examiner acknowledged that “Yaguchi and Komroff...fail to teach the guide grooves formed on both lateral inner surface of the shroud.” The Examiner then asserted that Speaker, “teaches using baffles (38) along the lateral surface of the heat exchanger to direct the condensate along the heat exchanger,” referring column 7, lines 1-5 of Speaker. The Examiner further asserted that “one skilled in the art would be motivated to provide condensate collection and distribution means along the lateral surface of the outdoor heat exchanger.” The Examiner also asserted that “since Komroff teaches that it is known to provide baffles or condensate guides on a shroud of an outdoor heat exchanger, one skilled in the art would know a technique of providing baffles in a heat exchanger shroud.” The Examiner then concluded that “it would have been obvious to one having ordinary skill in the art at the time the invention was made, to provide the shroud of Yaguchi as modified by Komroff above, with guide grooves formed on both lateral inner

surfaces of the shroud...in order to catch, collect, and distribute condensate in a uniform manner as taught by Speaker....”

However, Komroff merely discloses vanes 43 depending from an intermediate portion 41 of a top wall 24. See, for example, Fig. 5 and column 4, lines 14-15 of Komroff. Further, the baffles 38 of Speaker are provided in an evaporative cooling unit 35 which merely collects unevaporated water droplets and drains the water back into a receptacle 36. It is respectfully submitted that the baffles 38 of Speaker do not guide the unevaporated water to the evaporative cooling unit 35 of Speaker as the baffles 38 are provided on the evaporative unit 35. In contrast to the applied prior art, the claimed plurality of guide grooves of independent claim 1 are formed on both lateral inner surfaces of the shroud and guide the dispersed condensate to the outdoor heat exchanger, evenly distributing the condensate. Therefore, it would have not been obvious to one of ordinary skill in the art to modify Yaguch in view of Komroff and Speaker as proposed by the Examiner to produce the claimed features of independent claim 1.

Accordingly, independent claim 1 defines over the applied prior art. Dependent claims 2, 4-8, and 9-12 are allowable over the applied prior art at least for the reasons discussed above with respect to independent claim 1, from which they depend, as well as for their added features.

Serial No. **10/576,562**

Docket No. **P-0775**

Amendment dated January 26, 2010

Reply to Office Action of October 26, 2009

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
KED & ASSOCIATES, LLP



Carol L. Druzbeck
Registration No. 40,287

P.O. Box 221200

Chantilly, Virginia 20153-1200

(703) 766-3777 CLD:gs/pb:tlg

Date: January 26, 2010

\\Fk4\Documents\2000\2000-944\219204.doc

Please direct all correspondence to Customer Number 34610